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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.1709US (P17678)

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on May 19, 2008

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Typed or printed

name

Nancy Meshkoff

Application Number

10/701,054

Filed

November 3, 2003

First Named Inventor

Louis A. Lippincott

Art Unit

3714

Examiner

Eric M. Thomas

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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attorney or agent of record.

Registration number 28,994

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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May 19, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

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\*Total of          forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Louis A. Lippincott

Serial No.: 10/701,054

Filed: November 3, 2003

For: Gaming Interface Techniques  
for Media Centers

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Art Unit: 3714

Examiner: Eric M. Thomas

Docket: ITL.1709US  
P17678

Assignee: Intel Corporation

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

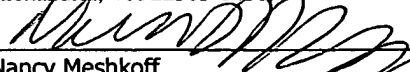
Claim 25, for examples, calls for providing at least one media center "to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert."

Thus, the idea is that two people are playing the same game at the same time. Nonetheless, "the game images for each of the players may be different in at least some respects." This is not taught in the cited reference.

In the cited reference to Stoel, all that happens is game software is loaded to computers in different hotel rooms. Each person in each hotel room then has a fully functioning game player to play the game that was paid for. The people in one room have no relationship to the people in the other room, do not play the same game at the same time, and have no interaction with those people.

Date of Deposit: May 19, 2008

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Nancy Meshkoff

Thus, there is no concept of playing the same game at the same time and yet having different screen displays.

None of the cited material suggests anything to the contrary. Column 8, lines 35-40, is explicit that once the software for the video game is downloaded, the game engine 58 (in one hotel room) acts essentially as "an ordinary, commercially available video game generator that processes received keystroke information and generates the video game audio and video signals." In other words, all the reference does is provide software to users on demand in different hotel rooms to play games. Users in more than one hotel room do not play the same game at the same time in concert or have game images that are different in some respects.

In the Advisory Action, the examiner takes the position that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art. With respect to claim 25, the claim limitation is the method limitation of providing at least one media center to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert. This is clearly a method limitation and not a recitation of the manner in which the claimed apparatus is intended to be employed. There is no claimed apparatus in a method claim. Thus, the argument set forth in the Advisory Action makes no sense and is inapplicable to claim 25.

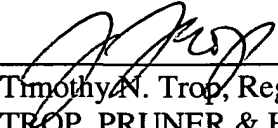
Claim 30 calls for a media center to provide electronic game data for one game to at least two players of said game who play the game at the same time in concert. MPEP § 2173.05(g) says that there is nothing inherently wrong with defining some part of an invention in functional terms. Further, it states that "the functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used".

The examiner has simply ignored the limitations on this mistaken assumption that they relate to an intended use. They do not relate to an intended use. They define the characteristics that the media center must have. In other words, the media center must have those characteristics necessary to fulfill the functional limitations. *See In re Venezia*, 530 F.2d 956, 189 U.S.P.Q. 149 (C.C.P.A. 1976).

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

Date: May 19, 2008



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